



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 3613-02
7 October 2002



Dear Mr. [REDACTED]

This is in reference to your request for further consideration of your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice, and it affirmed its previous decision to deny your request.

You were assigned a reenlistment code of RE-4 because you were discharged for failing to meet procurement medical/fitness standards. The Board determined that your discharge was proper, even though you were not diagnosed with or treated for Osgood-Schlatter's disease prior to enlisting in the Navy, and had passed a pre-enlistment physical examination. It concluded that you bear the responsibility for the early termination of your enlistment and the assignment of an unfavorable reenlistment code. In this regard, it noted that your Navy and civilian medical records indicate you had a four-year history of right knee pain. One of your civilian providers referred to the symptoms of Osgood-Schlatter's disease you experienced in the Navy as "the current episode", from which it can be inferred that there was at least one prior episode. The Board concluded that had you disclosed your history of knee pain during the course of your pre-enlistment physical examination, it is likely that the disqualifying condition would have been diagnosed, and your enlistment deferred, thereby preserving scarce Navy resources.

As it did during its initial review of your request, the Board concluded that your present state of health and physical fitness, and your desire to reenlist in the Navy, are insufficient to warrant changing the basis for your discharge or assigning you a more favorable reenlistment code. It rejected your unsubstantiated contention to the effect that you were told that you would be permitted to reenlist once your knee had been rehabilitated.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director